UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KEVIN MERTENS,

                          Plaintiff,

v.

CITY OF SEATTLE, STATE OF
WASHINGTON.

                          Defendants.

No. C04-1476P

ORDER DENYING PLAINTIFF'S
MOTION FOR
RECONSIDERATION

        This matter comes before the Court on Plaintiff's Motion for Reconsideration. (Dkt. No. 50).

The Court DENIES Plaintiff's Motion to reconsider the denial of default against the City of Seattle

by the clerk of this Court. Under Fed. R. Civ. P. 55 a court clerk may enter default against a party,

"when a party against whom a judgment for affirmative relief is sought has failed to plead or

otherwise defend. . ." Here, Defendant City of Seattle has filed its Answer and defenses with this

Court. (Dkt. No. 10). For this reason, it would be inappropriate to enter default against the City of

Seattle at this time. Accordingly, the Court must DENY Plaintiff's Motion for Reconsideration.

        The Clerk is directed to send copies of this order to all counsel of record.

        Dated: September 7, 2005.

                                        Marsha J. Pechman
                                        Marsha J. Pechman
                                        United States District Judge

ORDER - 1